

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0107

TURLEY et al. v. BEUS et al.

Appellate Case Information

Case Filed: 19-Feb-2015
Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. RACHEL A. TURLEY, et al., Plaintiff/Appellee

(Litigant Group) RACHEL A TURLEY et al.

- Rachel A Turley
- Ryan Turley
- Richard R Cardon
- Shelly Cardon
- Deise Cardon Carson
- Craig Carson
- Patrick R Cardon
- Kastle Cardon
- Natalie Cardon Thorne
- Jeremiah J Thorne
- Veronica Cardon Bradford
- David Bradford

Attorneys for: Plaintiffs/Appellees

J Alex Grimsley, Esq. (AZ Bar No. 19111)
Robert J Miller, Esq. (AZ Bar No. 13334)
Sean K McElenney, Esq. (AZ Bar No. 16987)

Side 2. LEO R. BEUS, et al., Defendant/Appellant

(Litigant Group) LEO R BEUS et al.

- Leo R Beus
AZ Bar No. 2687
[Current Member]
Admitted 4/3/71

- Todd S Nelson

Attorneys for: Defendants/Appellants Beus/Nelson

David B Rosenbaum, Esq. (AZ Bar No. 9819)
Nathan Arrowsmith, Esq. (AZ Bar No. 31165)

(Litigant Group) WILFORD R CARDON

- Wilford R Cardon

Attorneys for: Defendant/Appellant Cardon

Keith L Hendricks, Esq. (AZ Bar No. 12750)
Joshua T Greer, Esq. (AZ Bar No. 25508)
Lawrence Palles, Esq. (AZ Bar No. 20263)

CASE STATUS

Dec 6, 2016.....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-009811	Application for Appointment of Receiver/Temporary Restraining Receiver/Provisional Remedy		Katherine M Cooper, Authoring Judge of Order		

PENDING MATTER

General Motion

** Appellees' Motion to Supplement the Record on Appeal (Appellee)*

Filed: 8-Mar-2016

Scheduled: 15-Apr-2016

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CASE DECISION

28-Jul-2016 OPINION

Samuel Thumma.....Author
Kent Cattani.....Concur
Randall Howe.....Concur

Filed: **28-Jul-2016**

Mandate:

Decision Disposition

Appeal Reinstated

74 PROCEEDING ENTRIES

1. 19-Feb-2015 FILED: Index of Record, Notices of Appeal from Maricopa County Superior Court filed 01/21/15 (Beus/Nelson) and (Cardon)
2. 19-Feb-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 2-Mar-2015 FILED: Notice to Parties re: Appellants' Fees/Case Management Statements/Briefs Due
4. 5-Mar-2015 FILED: Osborn Maledon Transmittal Letter re Appellant Beus and Nelson Filing Fee
5. 6-Mar-2015 RECEIPT No.: 2015-00279 ; \$280.00, Check Number: #14071, Applied to: WILFORD R CARDON - Class A Filing Fee (\$280.00) Paid for: Wilford R Cardon - By Stinson Leonard Street LLP
6. 10-Mar-2015 RECEIPT No.: 2015-00295 ; \$280.00, Authorization: 68022515003, Applied to: LEO R BEUS et al. - Class A Filing Fee (\$280.00) Paid for: Osborn Maledon PA - By Integrated Resource Systems IN
7. 17-Mar-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8. 20-Mar-2015 RECEIPT No.: 2015-00359 ; \$140.00, Check Number: #4548, Applied to: RACHEL A TURLEY et al. - Class B Filing Fee (\$140.00) Paid for: - By Bryan Cave LLP
9. 23-Mar-2015 FILED: Case Management Statement (Appellant Cardon)
10. 10-Apr-2015 FILED: Appellants' Notice of Filing Transcripts; Exhibit A - Reporter's Transcript of Proceedings 9/23/14 (Matthew Smith); Exhibit B - Reporter's Transcript of Proceedings 2/19/15 (Brenda J Brown); Certificate of Service
11. 23-Apr-2015 FILED: Motion to Consolidate Appeals and Amend the Briefing Schedule; Certificate of Service (Appellant)
12. 24-Apr-2015 FILED: Joinder in Motion to Consolidate Appeals and Amend the Briefing Schedule; Certificate of Service (Appellant)
13. 27-Apr-2015 ORDERED: granting Cardon's motion and consolidating this appeal w/ second notices of appeal filed by Cardon and Beus on 4/23/15 and 4/24/15, respectively. Those notices of appeal shall be docketed under this case number. FURTHER ORDERED: Motion to Amend the Briefing Schedule (Appellant) = GRANTED. All opening briefs Due dates EXTENDED from Friday, 05-01-2015 to Thursday, 07-23-2015. Melina Brill ProTem Judge - Author
14. 29-Apr-2015 RECEIPT No.: 2015-00564 ; \$280.00, Authorization: #18014100987, Applied to: LEO R BEUS et al. - Overpayment Class A (\$280.00) Paid for: Osborn Maledon PA - By Integrated Resource Systems (Memo: X-REF 2015-0295 Refund needed)
15. 29-Apr-2015 FILED: Joint Motion to Revest Jurisdiction; Certificate of Service Re Joint Motion to Revest Jurisdiction; Exhibit A to Joint Motion to Revest Jurisdiction; Exhibit B to Joint Motion to Revest Jurisdiction (Appellant)
16. 1-May-2015 FILED: Reply Re: Joint Motion to Revest Jurisdiction in Trial Court for Entry of Consent Order; Certificate of Service (Appellant)
17. 1-May-2015 FILED: Motion to Seal the Joint Motion to Revest Jurisdiction in the Trial Court; Certificate of Service; [REDACTED] Joint Motion to Revest Jurisdiction in Trial Court for Entry of Consent Order (Appellant)
18. 1-May-2015 FILED: Opposition to Joint Motion to Revest Jurisdiction in Trial Court for Entry of Consent Order; Certificate of Service (Appellee)
19. 4-May-2015 ORDERED: Joint Motion to Revest Jurisdiction; (Appellant) = GRANTED/staying appeal to/including 6/3/15, and revesting jurisdiction to Maricopa Superior Court for purpose of permitting court to consider and rule on proposed consent order. FURTHER ORDERED: On 6/4/15, appeal shall be automatically reinstated. Melina Brill ProTem Judge - Author
20. 12-May-2015 ORDERED: confirming court's 5/4/15 order re: revesting jurisdiction. Melina Brill ProTem Judge - Author
21. 15-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry: Order signed dated 5/4/15 filed 5/6/15 re: consent order - authorizing/approving transactions w/ Walton Texas, LP; Includes Notice of Appeal filed 4/23/15 from Cardon and Notice of Appeal filed 4/24/15 from Beus/Nelson.)

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22. 28-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 2-Jun-2015 FILED: Letter, 6/2/15, to Osborn Maledon, re: Refund of duplicate filing fee
24. 23-Jul-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Cardon)
25. 23-Jul-2015 FILED: Joinder in Wil and Nicole Cardon's Opening Brief; Certificate of Service (Appellant Beus)
26. 8-Sep-2015 FILED: Appellees' Answering Brief on Appeal; Certificate of Compliance; Certificate of Filing and Service
27. 24-Sep-2015 FILED: Appellants' Motion for Procedural Order to Extend Time for Filing Reply Briefs; Certificate of Service (Appellant)
28. 25-Sep-2015 ORDERED: Appellants' Motion for Procedural Order to Extend Time for Filing Reply Briefs (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-05-2015 to Monday, 10-26-2015. Melina Brill ProTem Judge - Author
29. 23-Oct-2015 FILED: Appellants' Request to Supplement the Record on Appeal; Certificate of Service (Appellant)
30. 26-Oct-2015 FILED: Reply Brief of Defendants/Appellants Beus and Nelson; Certificate of Compliance; Certificate of Service
31. 26-Oct-2015 FILED: Appellants' Request for Oral Argument; Certificate of Service (Appellant)
32. 26-Oct-2015 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellants Cardon)
33. 2-Nov-2015 FILED: Request for Oral Argument by Defendants/Appellants Deus and Nelson; Certificate of Service (Appellant)
34. 12-Nov-2015 FILED: Appellees' Response to Appellants' Request to Supplement The Record on Appeal; Certificate of Filing and Service; Exhibit A (Appellee)
35. 25-Nov-2015 FILED: Reply Re: Request to Supplement the Record on Appeal; Certificate of Service; Exhibit 1 (Appellant)
36. 30-Nov-2015 ORDERED: Appellants' Request to Supplement the Record on Appeal (Appellant) = DENIED. Melina Brill ProTem Judge - Author
37. 3-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
38. 8-Dec-2015 FILED: Application for Substitution of Counsel With Consent; Certificate of Service (Appellant)
39. 8-Dec-2015 ORDERED: Appellants' Request for Oral Argument (Appellant) and Request for Oral Argument by Defendants/Appellants Deus and Nelson (Appellant) = GRANTED. Hon Michael J Brown - Author
40. 10-Dec-2015 ORDERED: granting application and substituting Keith L Hendricks and Joshua T Greer of Moyes Sellers and Hendricks, Ltd, a attorneys for appellants Wilford R Cardon and Nicole Cardon in place of Michael C Manning and James E Holland Jr of Stinson, Leonard Street LLP Melina Brill ProTem Judge - Author
41. 14-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
42. 14-Dec-2015 FILED: Additional Record on Appeal:
Exhibits: HD 7/10/15 - List and # 1 2 3 4 in manila envelope
43. 8-Mar-2016 FILED: Appellees' Motion to Supplement the Record on Appeal; Certificate of Filing and Service; Exhibit A (Appellee)
44. 28-Mar-2016 FILED: Joinder in Wil and Nicole Cardon's Response in Opposition to Appellees' Motion to Supplement the Record; Certificate of Service (Appellant)
45. 28-Mar-2016 FILED: Appellant's Response In Opposition to Appellee's Motion to Supplement the Record; Certificate of Service (Appellant)
46. 31-Mar-2016 ORDERED: consolidating cases 1 CA-CV 15-0047, 1 CA-CV 15-0107, 1 CA-CV 15-0127, 1 CA-CV 15-0249, 1 CA-CV 15-375, 1 CA-CV-15-0508, 1 CA-CV 15-0513, 1 CA-CV 15-0624, 1 CA-CV 15-0689, 1 CA-CV 15-0728, 1 CA-CV 15-0753, 1 CA-CV 16-0002 and 1 CA-CV 16-0042 for a limited purpose of considering this court's appellate jurisdiction in these cases. Case No 1 CA-CV 15-0047 is designated as primary number and above caption (or a shortened version listing at a minimum captions in Case No. 1 CA-CV 15-0047 and case number(s) in which filer is a party) shall be used on all future documents filed. FURTHER ORDERED: Directing any party to this consolidated appeal wishing to be heard on issue of whether order being appeal from in their specific case(s) must contain Rule 54 (c) language may file a memorandum, not to exceed 10 pages, on/before 4/20/16. No responses to memoranda will be permitted. Court will only accept a memorandum addressing this issue if filing party has paid filing fee in case number(s) in which filer is a party. FURTHER ORDERED: Staying all other aspects of this consolidated appeal that do not relate to Rule 54 (c) issue pending further order. Hon Kent E Cattani Judge - Author

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47.	11-Apr-2016	FILED: Appellees' Reply in Support of Motion to Supplement the Record on Appeal; Certificate of Filing and Service Regarding Appellees' Reply in Support of Motion to Supplement the Record on Appeal (Appellees re 1 CA-CV 15-0107)
48.	19-Apr-2016	FILED: Joint Memorandum of Appellants and Appellees Regarding the Applicability of Arizona Rule of Civil Procedure 54(c); Certificate of Service (Appellants Turley, et al. v. Beus, et al. - CV-15-0107)
49.	19-Apr-2016	ORDERED: deferring a ruling on motion (to supplement record on appeal) to panel that consider this appeal on merits. Melina Brill ProTem Judge - Author
50.	3-May-2016	ORDERED: any response to motion to strike (surreply in CV-15-0728) must be filed on/before 5/13/16. Appellant may file a reply in accordance with ARCAP 6 (a) (2). FURTHER ORDERED: Court will rule on motion following expiration of time for a response and, if applicable, a reply. Melina Brill ProTem Judge - Author
51.	11-May-2016	FILED: Appellee's Response to Appellants Motion to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)
52.	26-May-2016	ORDERED: Consolidating case 1 CA-CV 15-0276 with previously consolidated case 1 CA-CV 15-0047 for sole purpose of considering Court's appellate jurisdiction. Case No. 1 CA-CV 15-0047 is designated primary number. FURTHER ORDERED: Removing case 1 CA-CV 16-0002 from this consolidated appeal. FURTHER ORDERED continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in 1 CA-CV 15-0276 that wishes to be heard on issue of order being appealed from is required to contain Rule 54(c) language may file a memorandum on/before 06/06/2016. Hon Kent E Cattani Judge - Author
53.	27-May-2016	FILED: Appellants Reply to Appellees Response to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
54.	6-Jun-2016	FILED: Plaintiff's Response in Support of Motion by Tri-Rentals, Inc. and Class Party Rentals, Inc. to Remove Thier Appeal from Consolidation and Lift Stay; Certificate of Service (Appellee re 1 CA-CV 16-0042)
55.	7-Jun-2016	ORDERED: Removing CV 15-0276 from consolidated appeal. Hon Kent E Cattani Judge - Author
56.	7-Jun-2016	ORDERED: Removing CV 16-0042 from consolidated appeal. Hon Kent E Cattani Judge - Author
57.	10-Jun-2016	FILED: Appellee's Motion to Strike; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)
58.	17-Jun-2016	FILED: Motion for Reconsideration Concerning Appellants Motion to Strike Appellees Surreply (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
59.	22-Jun-2016	ORDERED: Consolidating case 1 CA-CV 16-0294 with case 1 CA-CV 15-0047 for sole purpose of considering this court's appellate jurisdiction. Case 1 CA-CV 15-0047 is designated the primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in case 1 CA-CV 16-0294 that wishes to be heard on issue regarding order containing Rule 54(c) language, memorandum due 07/05/2016. Hon Kent E Cattani Judge - Author
60.	27-Jun-2016	FILED: Motion for Appointment of Counsel (Appellant Pro Per)
61.	29-Jun-2016	FILED: Appellee's Response to Notice to the Court that Appellee Will Consider Appellants Request for Sanctions as Part of Appellants Motion for Reconsideration and Will not Respond Unless Requested by the Court; Proof of Service (Appellee)
62.	29-Jun-2016	FILED: Appellee's Reply to Appellant's Response to Appellee's Motion to Strike; Proof of Service (Appellee)
63.	6-Jul-2016	ORDERED: Denying Erlick's motion to strike Davis's reply. FURTHER ORDERED: Denying Davis's motion for reconsideration. FURTHER ORDERED: Denying Erlick's motion to strike Lavoie's rebuttal because that pleading was not accepted for filing. FURTHER ORDERED: Taking no action on Erlick's response to Lavoie's motion for permissive joinder and motion to intervene. Hon Maurice Portley - Author
64.	11-Jul-2016	FILED: Courtesy Copy - Copy of my Medical Benefits for State of Calif Gov. Program (Debra Lavoie)
65.	28-Jul-2016	OPINION (Appeal Reinstated) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
66.	28-Jul-2016	FILED: Opinion Distribution List
67.	28-Jul-2016	ORDERED: deconsolidating this appeal from appeal 1 CA-CV 15-0047. FURTHER ORDERED: terminating stay and reinstating this appeal. FURTHER ORDERED: appeal shall be scheduled for consideration on the merits. Hon Kent E Cattani Judge - Author

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68.	28-Oct-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 12-6-16, 11:30 am, COURTROOM 2.
69.	8-Nov-2016	FILED: Notice of Oral Argument
70.	8-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by Keith L Hendricks on 10/08/2016 (Appellant)
71.	8-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by David B Rosenbaum on 11/08/2016 (Appellant)
72.	23-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by J Alex Grimsley on 11/08/2016 (Appellees)
73.	5-Dec-2016	FILED: Appellants, Wil and Nicole Cardon's Supplemental Citation of Legal Authority; Certificate of Service (Appellant Cardon)
74.	6-Dec-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 12/06/2017 (Dept A)